



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,821	03/06/2006	Klaus Becker-Weimann	42660119PUS1	7091
2292 7590 04/16/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HAGEDORN, MICHAEL E				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
04/16/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/570,821

Applicant(s)

BECKER-WEIMANN, KLAUS

Examiner

Michael Hagedorn

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 - 17, 20 - 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 - 17, 20 - 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10, 15 - 17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Feldman (US Patent 4,067,481).

Feldman discloses an adhesive fluid dispensing device (figure 2), a dispensing tip (18) composed of a heat-conductive material (columns 3 - 4, lines 65 - 2), fluid cartridge (10), manually actuatable plunger (12), a cartridge heater (36) arranged around the adhesive fluid cartridge (10) from diametrically opposite sides (figure 2) that insulates the fluid cartridge (10), actuating ram (54) that acts on the plunger (12), the ram (54) is assigned a pistol-type handle.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (US Patent 4,067,481) in view of Belanger et al. (US Patent 5,026,187).

Feldman has been discussed above and teaches the claimed invention except for wherein the dispensing tip is heated substantially by the adhesive fluid flowing out.

Belanger et al. teaches the dispensing tip (18) is heated substantially by the adhesive fluid (8) flowing out (column 2, lines 26 – 29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the dispensing tip heated by the fluid flowing out because doing so will prevent the adhesive from cooling down and becoming hard before exiting the tip and allow the tip to remain hot without the use of an electric heater.

5. Claims 12, 13, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (US Patent 4,067,481) in view of Osborn et al. (US Patent 6,892,904).

Feldman has been discussed above and teaches the claimed invention except for the dispensing tip screwed onto a metal thread on the metal adhesive fluid cartridge and the dispensing device screwed or connected to the metal adhesive fluid cartridge; wherein the ram acts on a small surface of the plunger, which is less than the full surface of the plunger.

Osborn et al. teaches the dispensing tip (238) screwed onto a metal thread on the metal adhesive fluid cartridge (210) (Column 5, lines 23 – 25) and the dispensing device screwed or connected to the metal adhesive fluid cartridge (column 4, lines 49 – 53); wherein the ram (240) acts on a small surface of the plunger (242), which is less than the full surface of the plunger (Figure 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a dispensing tip screwed on the fluid cartridge because this would allow the user to change if its breaks or needs cleaning; a device connected to the fluid cartridge would allow the cartridge to be replaced if needed and having a ram act on a smaller surface of the plunger would increase the heating efficiency of the device.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (US Patent 4,067,481) in view of Callan (US Patent 4,065,034).

Feldman has been discussed above and teaches the claimed invention except for wherein the dispensing tip is screwed on the dispensing device, and the dispensing device is screwed or connected to the fluid cartridge.

Callan teaches wherein the dispensing tip (16) is screwed on the dispensing device (3), and the dispensing device (3) is screwed or connected to the fluid cartridge (figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the dispensing tip attached to the dispensing device because then the tip and tip size can be changed without having to change the cartridge.

Response to Arguments

7. Applicant's arguments, see Remarks, filed April 6th, 2009 with respect to the claim objections and 112 2nd paragraph rejections have been fully considered and are persuasive. The rejections of claims 10 - 21 have been withdrawn.

8. Applicant's arguments with respect to claims 10 - 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Hagedorn whose telephone number is (571)270-5705. The examiner can normally be reached on 7am - 5pm; Mon thru Fri except federal holidays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)270-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H./
Examiner, Art Unit 3754

/Kevin P. Shaver/
Supervisory Patent Examiner, Art Unit 3754